CF 1002 (1) 3

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(C.G.)

WRIT PETITION NO.3295 /2005

PETITIONER

Akshay Soni,
S/o. Late Shri Ganesh Ram Soni,
Aged about 21 years,
R/o. House No. 250, Azadpura,
Lalitpur (U.P.)

V E R S U S

RESPONDENTS

1. Union of India,
Through its Secretary,
Ministry of Personnel, Public Grievances & Pension (State Reorganization), 3rd Floor,
Lok Nayak Bhawan, Khan Market, New Delhi.

2. State of Chhattisgarh,
Through its Secretary,
General Admn. Department,
Mantralaya, D.K.S. Bhawan,
Raipur (C.G.)

3. State of Chhattisgarh,
Through its Secretary
Department of Forest,
Mantralaya, D.K.S. Bhawan,
Raipur (C.G.)

4. State of Madhya Pradesh,
Through its Secretary,
Department of Forest,
Vallabh Bhawan, Bhopal (M.P.)

5. Principal Chief Conservator of Forest, Raipur (C.G.)

6. Forest Conservator,
Jagdalpur Circle, Jagdalpur,
District Bastar (C.G.)

Presented in Person
dated 25/6/05
2837/05
CLERK to Sh. S. Bilaspur
25-6-05
X&CC-GRANTED

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

45

आदेश पत्रक

मामला क्रमांक W.P.3295/ सन् 2005

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	11-5-2006 Mr. Ashish Shrivastava, counsel for the petitioner. Mr. Ashutosh Singh Kachhawaha, Govt. Advocate for the State/ respondents No.2, 3, 5 & 6. Heard both the counsel. So far no return has been filed on behalf of the respondents. By this writ petition under Article 226/227 of the Constitution of India, the petitioner has questioned validity and correctness of the circular dated 10-6-2003 issued by respondent No.2, whereby the State Government has decided to consider the cases of legal heirs of those employees who had expired on or after 1-11-2000 for compassionate appointment. The case of the petitioner is that his father Late Ganesh Ram Soni was working on the post of Assistant Forest Ranger in the Office of Deputy Divisional Forest Officer, Geedam, Dantewada Forest Division, Dantewada, and he died in harness on 4-8-2000 at the age of 51 years, leaving behind his wife Smt. Vimla Soni, daughters Kum. Suman Soni & Kum. Sharda Soni and the petitioner. The petitioner applied for compassionate appointment on 14-9-2000, which was acknowledged by the Office of Dantewada Forest Division, Dantewada. The petitioner also submitted the required documents on 6-11-2000. The petitioner sent representation to the Principal Chief Conservator of Forests, Bhopal. Now after formation of the State of Chhattisgarh, the State of Chhattisgarh issued circular dated 10-6-2003 in which it has been prescribed that any Government employee died on or after 1-11-2000, the legal heirs of such employee will be considered for compassionate appointment. It is admitted position that after filing of this writ petition, the Government has reviewed it earlier policy and has taken a decision to	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर 46

आदेश पत्रक

मामला क्रमांक W.P.3295/ सन् 200 5

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

consider the cases three years prior to the reorganization i.e. the cases of legal heirs of those State employees whose death occurred on or after 1-11-1997 strictly in accordance with the policy prevalent at the time of the death of an employee.

Therefore, learned counsel for the petitioner submits that the respondents be directed to consider the case of the petitioner for compassionate appointment according to the new policy decision, as the father of the petitioner died on 4-8-2000.

The prayer made by learned counsel for the petitioner is just, fair and reasonable. In the circumstances, respondent No.3 is directed to consider the case of the petitioner for compassionate appointment in accordance with the policy prevalent at the time of the death of the father of the petitioner and pass appropriate order within a period of three months from today.

With the direction aforesaid, the petition stands disposed of.

In view of this order, I.A.No.7549/2005 also stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

[पीछे देखिये

16.3.06